



CITY OF HELENA

Pretreatment Coordinator
Engineering Division, Public Works
316 N Park Avenue
Helena, MT 59623
(406) 459-0708
(406) 447-8442 (Fax)
E-mail: dclark@helenamt.gov

[TIME \@ "MMMM d, yyyy"]

Status update report for the City of Helena Pretreatment audit completed September 2017.

To Al Garcia:

Listed below are the dates corrective actions will be taken for the findings identified in the City of Helena's Pretreatment Audit completed in September of 2017. Status reports will be given in August 31 of 2018, February 28 of 2019 and August 31 of 2019 and February 2020.

Corrective Action Item 1.

Ensure qualified personnel carry out the authority and procedures of the Pretreatment program and provide the EPA with a staffing plan that includes an evaluation of the City of Helena's commitment to the Pretreatment program and to ensure it adequately implements all programmatic activities

The City of Helena is currently working towards creating a permanent part-time position for a Pretreatment Coordinator. This position should be filled by December 2018. The Pretreatment Coordinator will report to the City's Environmental Engineer.

Update August 31, 2018 - The City of Helena has hired Don Clark as a permanent part-time Pretreatment Coordinator. His start date was August 20, 2018.

Corrective Action Item 2.

Update the current municipal ordinance during the next revision:

- ☐ Significant Industrial User (SIU) definition found in §6-4-4 – The EPA recommends the City replace “any wastewater user” in the SIU definition with “any industrial user”. Wastewater User is not defined in the Pretreatment Ordinance.
- ☐ Best Management Practices (BMP) are not currently established in §6-4-7(B) of the municipal ordinance as local limits or Pretreatment Standards. The City needs to add this language to ensure the BMPs are enforceable.
- ☐ Toxic vapors, fumes specific prohibition found in §6-4-5(C)11 of the municipal ordinance is not equivalent with the Federal Regulations. The specific prohibition for toxic vapors or fumes found in the Pretreatment Regulations, 40 CFR 403.5(b)(7) state the following: “Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.”
- ☐ Enforcement authority to immediately halt actual/threatened discharge provisions, as required in 40 CFR Part 403.8(f)(1)(vi)(B) of the Pretreatment regulations.

The City of Helena will address these issues by June 2019.

Corrective Action Item 3.

Develop an IGA with Fort Harrison that delegates authority to implement the Pretreatment program for facilities located on the military base, including the VA hospital.

Updated February 25, 2019 - According to an email received on January 31, 2019 from Michelle DeGrandi, Environmental Attorney-RPLG, Department of Veterans Affairs, the VA follows local laws for which congress has waived their sovereign immunity. The CWA requires compliance with state/local requirements related to the control and abatement of water pollution.

The City of Helena will address these issues by June 2019.

Corrective Action Item 4.

Complete the development of the local limits, as discussed in Part II of the November 21, 2016 local limits correspondence and submit the final draft local limits to the EPA for evaluation and approval.

The Montana DEQ is currently in the process of writing the City of Helena's new MPDES Discharge Permit. Once the City receives this new permit with new discharge limits we will continue with completing our local limits. A local engineering firm has been hired for this task. We should be ready to begin implementing local limits by December 2018 depending on when we receive our new discharge permit. When we begin implementing local limits we will inform you.

Update August 31, 2018 -- The City of Helena has still not received our new MPDES Discharge Permit from DEQ.

Updated February 25, 2019 - A detailed re-evaluation of the local limits was submitted to Mr. Al Garcia at US EPA Region 8 on Feb 5, 2019. The City is currently waiting comments from Mr. Garcia and intends to implement the updated local limits through updating City Resolution and following appropriate EPA and City public comment periods.

Corrective Action Item 5.

Update the industrial waste survey procedure to include the notification the Industrial Users of applicable Pretreatment Standards and any applicable requirements under sections 204(b) and 405 of the Act and subtitles C and D of the Resource Conservation and Recovery Act. This notification should be contained in a follow up letter to the IUs that are significant or those facilities that are subject to control mechanisms such as BMPs instituted in a sector control program.

The City of Helena will be consistent with providing follow up letters to local businesses starting immediately.

Corrective Action Item 6.

Update and maintain the IU inventory based on available tools to the City such as the industrial waste survey, drive by inspections, facility inspections, etc. as identified in the City's SOP for the industrial user inventory. Update and maintain the IU inventory to include any potential non-domestic sources in the Aspen Meadows service area.

The City of Helena will immediately begin updating the IU inventory and strive to be caught up with this inventory by October 31, 2018.

Update August 31, 2018 -- The new Pretreatment Coordinator is researching software programs to incorporate all data pretreatment related.

Updated February 25, 2019 - This continues to be a work in progress by reviewing all new businesses licenses to see if they are of concern. A database program called IPP Logger has purchased to log this information.

Corrective Action Item 7.

Develop a complete inventory of the dental offices in the service area to determine new and existing dental facilities subject to the Dental Amalgam Rule promulgated by the EPA on June 14, 2017. The City of Helena should evaluate providing outreach and education regarding compliance with the Dental Amalgam Rule to the dental facilities in its service area.

The City of Helena will immediately begin an inventory of all dental offices in our service area and will strive to have this inventory completed by October 31, 2018.

Update August 31, 2018 – The new Pretreatment Coordinator is researching software programs to incorporate all data pretreatment related.

Updated February 25, 2019 – All dental offices in the Helena area have been inventoried. There are 50 dental providers in the area with most of them having dental amalgam separators.

Corrective Action Item 8.

Incorporate the authority to administratively extend permits or remove this language from the permit template.

The language incorporating the authority to administratively extend permits has been removed from the boiler plate permit template. That language is NOT in either of the current permits.

Corrective Action Item 9.

Ensure the DIP permit limits are enforceable and is required to modify the permit to incorporate enforceable limits for Arsenic, Chromium III, Chromium VI, Mercury, Molybdenum, and Selenium.

In regards to enforceable limits for Arsenic, Chromium III, Chromium VI, Mercury, Moly and Selenium, The City of Helena is waiting for the revised local limits to be adopted. If that is not allowable, we can go in and modify DIP's permit to allow our current local limits but currently we don't have limits for Chromium III or VI just Total Chromium.

Update August 31, 2018 – The City of Helena has still not received our new MPDES Discharge Permit from DEQ. Once we receive this we can proceed with revising our local limits.

Updated February 25, 2019 – The current limits in the Decorative Industrial Plating Permit have been identified as not being enforceable limits. These limits were based on outdated local limits. At this time, the City is waiting for a response from Al Garcia with US EPA Region 8 to agree to technically-sound local limits. When the updated local limits are approved and codified, the City will update the DIP permit with enforceable limits. At this time, no updates can be implemented with enforceable local limits.

Corrective Action Item 10.

The City of Helena is required to modify the DIP permit to include the TTO daily maximum limit.

The DIP permit originally had the TTO limit on it but was removed in the new permit since the baseline and follow up TTO were completed. If it is necessary to include the TTO limit, in addition to the certifications, we can modify the permit.

Updated February 25, 2019 – The DIP Industrial User Permit will be updated to include a Daily Maximum Permit limit of 2.13 mg/L in the Effluent Limitations portion of the permit. This update will be in accordance with the Metal Finishing Categorical Pretreatment Standards.

Corrective Action Item 11.

Modify the Decorative Industrial Plating permit to incorporate monitoring requirements for TTO or alternatively, solvent management plan and certification requirements found in 40 CFR 433.12 (a) and (b).

As required in his permit, DIP has turned in the solvent management plan and TTO certification with his quarterly reports. If it is necessary to include the TTO limit in addition to the certifications we can modify the permit.

Updated February 25, 2019 – The DIP Industrial User Permit, Part 2- Special Requirements requires a copy of the current Toxic Organic Management Plan and TTO Certification Statement be included in each quarterly report. As of 2018, each quarterly report included the Toxic Organic Management Plan and TTO Certification Statement. DIP will be issued a formal letter requesting a Solvent Management Plan. Additionally, Part 2 of the DIP Industrial User Permit is being updated to include the 40 CFR 433.12 (a) (b) reference for the Toxic Organic Management Plan and the 40 CFR 469.13 (c) reference for the Solvent Management Plan.

Corrective Action Item 12.

Re-evaluate the sampling frequencies and types based on the discharge from DIP during a production day and modify the permit, if necessary.

The staff has discussed, at length, grab vs composite sample for DIP. We believe that a grab sample is representative if taken during production. We are in the process of comparing grab & composite sampling on the same day and if the results do not vary, we will stay with the grab sample requirement.

Corrective Action Item 13.

Perform independent sampling for all pollutants of concern in the DIP permit.

The City of Helena completed this shortly after our audit and will continue to do so.

Corrective Action Item 14.

Ensure that Montana Rail Link is performing compliance sampling during an actual discharge to the City's sanitary sewer system.

The City of Helena will discuss this with Montana Rail Link to come up with a strategy. This will be complete by July 31, 2018

Update August 31, 2018 - Our new Pretreatment Coordinator will be discussing this with MRL shortly.

Corrective Action Item 15.

Date stamp all received compliance reports to document they were submitted by the permit's deadline.

The City of Helena will resume doing this immediately.

Corrective Action Item 16.

Provide an enforcement response to Montana Rail Link for the late reporting of the June 2016 monthly compliance report.

Mitigated circumstances were documented by Lynora explaining that while Rick Shelley was out with shoulder surgery, the monthly report was received late. MRL did not discharge any process water in that month so it was decided that a notice of violation was not necessary. Lynora explained to MRL that in the future they needed to make other arrangements for the report to be completed in Rick's absence.

Corrective Action Item 17.

Ensure the facility inspection reports are developed using specific and current information regarding the facility's processes and waste treatment methods.

The City of Helena completed this shortly after our audit and will continue to do so.

Corrective Action Item 18.

Evaluate the sampling protocol at Decorative Industrial Plating to ensure the samples are representative of an actual production day. It is recommended the sampling events be conducted while the production lines are in operation, not during lapses in production.

The City of Helena will ensure that sampling events will be conducted on actual production days while production lines are in operation.

Corrective Action Item 19.

Evaluate the chemicals to determine if the facility uses total toxic organics found in 40 CFR 433 and address the management of these chemicals through permit limits or through a toxic organic management plan.

During the annual inspection, staff reviewed the SDS sheets and determined that DIP was not discharging any toxic chemicals. We also have DIP's solvent management plan on file.

Updated February 25, 2019 -- DIP has been evaluated for chemicals to determine that the facility is not discharging any total toxic organics found in 40 CFR 433. The Toxic Organic Management Plan suggested as part of the corrective action item was incorporated into the DIP Industrial Discharge Permit effective October 1, 2016. DIP has been submitting the Toxic Organic Management Plan and the TTO certification statement in accordance with 40 CFR 433.12 (a) throughout 2018. The DIP Industrial User Discharge permit will be updated to require SDS sheets be kept on file at the facility and to notify the City with each quarterly report of any new chemicals used in the process. The City will review and document on-site SDS sheets as part of the annual inspection.

Corrective Action Item 20.

Develop sampling procedures that provides documentation regarding representative sampling based on appropriate sampling procedures and techniques. The sampling plan needs to include adequate QA/QC procedures during sampling events to ensure the analytical data is valid and legally defensible.

The City of Helena will complete this by October 31, 2018.

Updated February 25, 2019 - Please see attached sampling analysis plan.

The City of Helena will provide status reports August 31, 2018, Feb 28, 2019, August 31, 2019 and February 2020.

Sincerely,

Don Clark
Pretreatment Coordinator

Audit/Pretreatment Audit Response number 3